

Had there existed any doubt in the minds of our readers in regard to the propriety, and even necessity, of the publication which we made in reference to Judge Brochus in our issue of the 18th April, that doubt must long ago have been removed. The unusual efforts that have been made to bolster him up, and the failure of those efforts, are in themselves evidence in favor of the truth of what we published.

The sycophantic and unadvised "Card to the Public" which the Santa Fe Bar promulgated in behalf of His Honor, and upon which we commented last week, having fallen short of having the anticipated effect upon the public intelligence another role has been resorted to, in order to help him out, if possible, of the disagreeable predicament in which he got himself fixed by his own invitation. That is to say, Heath of the New Mexican, has been put forward to do his best at blackguarding the Gazette in the hope of thereby withdrawing attention from the damaging effects which our shot produced upon the corpus of His Honor. This is all proper on the part of Brochus. Self preservation is the first law of nature, and he has a right to save himself if he can, and we are not only content with, but we are gratified at, the means he is using to that end. We presume he sees there is fault of better. He does not succeed in getting disinterested parties to take up his cause and defend him. There is where he fails before the public. Let us see how Heath stands in regard to the Ryerson case over which he raises so great a hue and cry against us in the last issue of the New Mexican.

It is well known that the murder of the late Chief Justice Slough was a consequence of the passage of a jumble of resolutions that was passed by the Legislative Council the day before the murder. Ryerson introduced the resolutions and was, therefore, their ostensible author. But there is a history belonging to those resolutions which has never been made public, and the publication of which is now made justifiable by the prominent part Heath has taken in his attempt to discredit what we have said in regard to Brochus' share of the matter. The following affidavit will do for a starter in the exposition:

Territory of New Mexico,
County of Santa Fe.

This fifth day of February A. D. 1868, personally appeared before me, Nicolas Quintana, a Notary Public for the county and within the Territory aforesaid, Jesus Maria Pacheco a Senator from the county of Taos to the Legislature of the Territory of New Mexico, who being duly sworn according to law depose and say:

Gen'l H. H. Heath, Secretary of the Territory of New Mexico, handed me in the first days of this last session of the Legislature of New Mexico, a copy of those resolutions, which were afterwards introduced into the council, condemning the official and private character of the late Chief Justice of the Territory of New Mexico, John P. Slough with the intention as I understood, to have them then introduced by me to the council. The resolutions were written in English, and after carefully examining them, I found that I could not very well support them, and about 5 or 6 days afterwards I returned to the Secretary Heath with the request to have them translated in Spanish for my better understanding, which he did in about 2 or 3 days, afterwards with additional charges. I did not think proper to take the responsibility of introducing the same, and handed the copy so delivered to me by Secretary Heath, to Wm. L. Ryerson, a Senator from Dona Ana who afterwards introduced them into the Council. The writing of the original English copy of said resolutions, looked to me like the writing of Secretary H. H. Heath.

(Signed) JESUS M. PACHECO.
Sworn and subscribed before me (Seal) this fifth day of February A. D. eighteen hundred and sixty eight.

(Signed) NICOLAS QUINTANA,
Notary Public.

Now let the links be closed up. Mr. Pacheco, who makes the affidavit, was an influential member of the party Heath was then managing in the Legislature through his official influence. He was decidedly the most talented and energetic of them all. Hence Heath picked him out to do this dirty work for him; he gave him the original resolutions against Judge Slough, in his own hand writing, with a view to having them introduced into the Council by Mr. Pacheco. Pacheco understood English well and knew the contents of the resolutions so well that he would not consent to have anything to do with their introduction. He returned them to Heath after having had them in his pocket five or six days in order that they might be translated into Spanish. Heath, it will be observed, had them amended and translated, and then handed them again to Pacheco. This part of the affidavit, then, fixes the authorship of the resolutions on Heath, and exhibits the deep interest he took in having them passed.

Pacheco after declining to have anything to do with the introduction of the resolutions handed them to Wm. L. Ryerson, who was another star in the party.

Heath was engineering as before said. He came here from Dona Ana County without any certificate of election and without a shadow of right to a seat in the Council. Heath, in the capacity of Secretary, contrary to all law and precedent, gave him a certificate of some kind, by means of which the political caucus (called a council) admitted him to a seat. Ryerson then was the man. He could reappropriate the favor that had been conferred upon him by his friend Heath. He could, and did, introduce Heath's resolutions against Chief Justice Slough. They were passed on Saturday, the 14th day of December 1867, and the murder was committed on the next day, December 15th, as a result of the passage of Heath's resolutions.

Now the reader will understand why it is that the New Mexican, under Heath's pen, has been so tender footed on all matters touching the guilt of Ryerson. Now the public will see whether the course of that paper has been a disinterested one. Now the public will know and appreciate the propelling power which has caused Heath to open the flood gates of his abuse upon all who would have seen justice done in the Ryerson case; and now may it be seen why he so willingly comes to the rescue of Judge Brochus when we in rough and truthful terms expose to the country his official action in the case.

The conclusion at which every unprejudiced reader will have arrived after having read this controversy, as far as it has progressed, is, that Brochus was badly wounded by our first shot and that the wound has been greatly aggravated by his attempts to obtain relief through cards and editorial billingsgate.

Where is it? Where is the great radical party in New Mexico? We ask this question because we are becoming alarmed as to its existence. For weeks there was advertised a mass convention of the party, to be held in Santa Fe on the 23rd ult. for the purpose of appointing delegates to represent our territory in the Chicago Convention. The 23rd came and went but there was no convention and consequently no delegates were appointed by the people.

Is it possible that the potent party which has eight of the ten counties in the Territory in its exclusive possession, has become so debilitated that it could not get up even a small meeting for so important a purpose after the rallying cry had been rung throughout the Territory in the New Mexican for weeks? Verily it is so.

And this exposes the humbuggery that the New Mexican has been attempting to practice upon the outside world for the last six months past. It goes in as the organ of the radicals in New Mexico, but the radicals and republicans do not acknowledge it as their organ. They oppose prostrate. It does not. They oppose Indian slavery. It does not. They favor the execution of the laws of Congress abolishing both these institutions. It does not. They are in favor of keeping up with the spirit of the times in every respect. It holds on to Mexican foggyisms of the sixteenth century.

Hence the failure of the aforementioned convention. The radicals and republicans of the country do not acknowledge the leadership and would have nothing to do with a project that was proposed for the sole purpose of advancing the interests of a few men who have no sympathy with their principles but who would ride their party as long as they could profit by the performance.

Jose F. Chavez for Governor:—The G. A. R. of New Mexico have issued an order to have Jose Francisco appointed Governor of New Mexico in place of Gov. Mitchell whom they have ordered to be removed.

Well, why should they not? They have ordered the making and unmaking of Delegates. They ordered the making of Colorado Territory into a State. They have ordered in regard to things generally in New Mexico, and there is no good reason why they should not order a Governor for us, especially if they have at length discovered that the order in reference to Delegate has not been obeyed and that the contest is a stale.

Jose has gone up. His political career is ended. H. H. Post Commander cannot save him—cannot save himself. He deposited his faith in the wrong place when he stuck to the said Post Commander. They both tumble into the ditch at the same time and sink into political oblivion.

The G. A. R. as organized in Santa Fe, under the leadership of Heath is only remarkable for its insignificance and audacity. The Republican party do not recognize him as a leader, nor does any true soldier of the war acknowledge him as worthy of being put in the front rank. Hence we have the reason why the operations of the organization are so narrow contracted and worked in the interest of a few demagogues to the great disgust of the mass of the people. Hence its failure to accomplish anything of importance. It is as well understood at the Headquarters of the genuine organization in Washington City as it is in Santa Fe, and has no more importance attached to it there than it has here.

Read new advertisements in this issue.

At our latest dates from Washington City, the 23rd ult., the evidence in the impeachment case had been concluded, and Mr. Boutwell of the managers had delivered the opening speech. There is nothing in the papers upon which to base an opinion in regard to what will be the decision of the Senate in the case.

On the night of the 23rd ult. the roof of a house at Anton-Chico fell in and killed a woman and her two children, all the persons there were in the house.

The spring term of the District and United States courts will be begun in Albuquerque next Monday—Judge Brochus presiding.

Capt. Santiago L. Hubbell is in the city from the Rio Abajo. He brings with him several fine specimens of silver and copper ore from the Magdalena Mountains.

A short time since twenty wagons loaded with wire for the Denver and Santa Fe Telegraph Company started from Hays City. This wire will be used in constructing the line this side of Fort Lyon.

At the last term of the District Court in Rio Arriba County, Judge Brochus presiding, three natives were convicted of murder in the first degree and sentenced to be hung on the 22nd of this month.

The convicts are now in confinement, heavily ironed, in the Santa Fe jail.

Col. Luddington, Quartermaster, has removed his office to the Watts Row, where he is comfortably fixed up in good rooms.

Colonels Kenzie, Luddington and Rochester left the city on Monday for Fort Garland where they have official business.

Col. J. Howe Watts started in Wednesday's coach to Fort Union, Maxwell's, and Trinidad to pay off the troops stationed at those points.

In the cases of the United States, Appellants, as H. S. and J. S. Gillett and Josiah F. Crosby and others, the same decision was rendered as in the case of Simco Hart, which we publish in another place to-day.

WASHINGTON, D. C.,
April 13, 1868.

Gen'l John T. Russell,
Editor Gazette.
My Dear Sir:—Mrs. A. M. Atwood, a lady of literary acquirements, and the European correspondent of several leading New York papers, who has resided for some years at Brussels, Belgium, will visit the Territory of New Mexico this spring. The purposes of her visit are indicated in the following letter, which I received from her some weeks since:

BRUSSELS, Feb. 24, 1868.
Mr. Dean Sum:—I received this morning your valuable book on New Mexico, and as your name is written on it, I return my thanks to you, supposing that I am indebted to you for the favor. I believe I was first to republish in England the pamphlet written for Hon. J. S. Watts by Prof. Owen, and since that time (1854) I have taken great pleasure in furnishing to the many interested on the subject of your wonderful country, all the information within my reach. I have been solicited to cross the plains myself with a view to giving my friends in England and Ireland a lady's experience in the far west, and I shall have the pleasure of gratifying myself at the same time by visiting a country I have long desired to know. I leave England early in March for America and hope immediately to start across the plains. Any information you can give me that will facilitate my journey and be of advantage to my object, will be most gratefully received, and I hope to add to the great interest already felt here in every circle for your beautiful and rich country, by a full description of all I see and learn.

I remain,
Faithfully yours,
(Signed) A. M. ATWOOD.
Care Brown Shipley & Co., Bankers,
London.
Daily News Office, New York.

Hon. C. P. CLEVER,
Delegate, New Mexico,
Washington D. C.
Mrs. Atwood is expected shortly to arrive in New York, and will visit this city prior to her departure for the West. I shall do all in my power to encourage her in her project, and to procure for her such facilities for comfortable and secure travelling as she may need and require. I doubt not that the people of New Mexico will receive and treat her with their accustomed kindness and hospitality. Every opportunity should be accorded to this lady to fully apprehend the vastness of our resources, as her publications will attract the attention of capitalists in the East and elsewhere.

In this connection I may be permitted to state that an effort is being made to establish an Emigrant Aid Society for New Mexico. On yesterday, a committee waited upon Governor Mitchell and myself, inviting us to attend a meeting at the capital to-morrow night, which has been called for the purpose of organizing such a society in this city. Last week a similar organization was effected in Baltimore. So soon as time will permit me, I shall visit New York and endeavor to promote aid in furtherance of the cause; in this I have the assistance of several distinguished members of Congress.

There is a great probability that Congress, prior to the adjournment of the present session, will make a grant of land and subsidy to the Eastern Division of the Union Pacific Railway, at least as far as the 107 meridian, (Albuquerque), Lieut. Gen'l Sherman, who was examined

before the joint committee of Congress, favors the grant upon the plea of military necessity and the ultimate economy in the expenditures of Government. To-day the committee will examine Governor Mitchell and Gen'l Clark. I have the assurance of one of the members, that the committee will report a bill making the grant. With the aid of Providence, the year 1869 will find New Mexico a large addition of honest and industrious citizens, most of whom have served as officers and soldiers in, and been honorably discharged from the Union Army.

Very truly yours,
O. P. CLEVER.

Las Vegas, N. M., April 26, 1868.

Mr. Editor:—I see by the last issue of the "New Mexican" that His "ad interim Excellency" attempts to fortify his assumption of the title, by giving Alexander's and Webster's definition of the term "ad interim," and thereby adds to the ridiculousness of his position.

Every school boy knows that "ad interim" means "in the mean time." Is Gen'l Heath Governor "in the mean time," or acting Governor during the temporary absence of that officer?

It certainly does not require a brilliant class of Las Vegas, or any other place to answer the question.
How are you, Governor, ad interim?
ENQUIRER.

Supreme Court of the United States.

DECEMBER TERM, 1867.

THE UNITED STATES, APPELLANTS,

vs.

SIMEON HART.

Appeal from the Supreme Court of the Territory of New Mexico.

THE ATTORNEY GENERAL for the United States.

ROBERT LEACH, Esq., for the Appellee.

Mr. Justice NELSON delivered the opinion of the Court.

This is an appeal from a decree of the Supreme Court of the Territory of New Mexico.

The libel is filed in this case under the sixth section of the act of Congress passed 17th of July, 1862, which subjects to seizure and confiscation the property of any person within any of the states or territories of the United States, being engaged in armed rebellion against the government of the United States, or aiding and abetting such rebellion, after public warning by the President of the United States.

The property seized was real estate belonging to Hart, situated in the town of Franklin, El Paso county, State of Texas. The libel was filed in the district court of the United States for the third judicial district of the territory of New Mexico. Such proceedings were had, that, on the second day of December, 1867, a decree was entered condemning the property, and directing it to be sold. An appeal was taken from this decree to the supreme court of the territory, which reversed the same, and remanded the cause to the court below, directing that court to dismiss the same for want of jurisdiction. In said court, over the real estate in the county of El Paso, Texas. The cause is before this court on appeal.

The district judge entertained jurisdiction in the cause upon his construction of the act of Congress passed March 3, 1867, which revived an act passed August 3, 1863, that gave to the district court of the territory of New Mexico jurisdiction over cases arising in the collection district of El Paso in the administration of the revenue laws. The second section confined the jurisdiction over citizens in El Paso to cases not initiated by indictment, and the trial and proceedings for violations of the revenue laws as in other district courts of the United States invested with admiralty powers. (12 St. at L. p. 761.)

The supreme court in reversing the judgment below, held, that this act did not extend to, or embrace proceedings under the act of 17th of July, 1862, providing for confiscation of the property of persons engaged in, or aiding and abetting the rebellion, of the correctness of which decision we can entertain no doubt. If the district court below could have, under any circumstances, jurisdiction of the case, according to the practice as settled in the cases of The Union Insurance Company vs. The United States, George Cronan vs. The Same, and Armstrong vs. The Same, decided at the present term, as it has been tried on the admiralty side of the court, the proper disposition of it would be to reverse the decree, and remand the cause to the court below, with directions to enter a decree remitting it to the district court that it might be tried on the common law side with a jury, the seizure having been made on land, and not on waters navigable from the sea. But, as the supreme court of the territory has reversed the decree of confiscation for the want of jurisdiction, in the correctness of which judgment we concur, the proper disposition of it will be to affirm the decree, as this reaches directly the right conclusion in the case.

Immigrants.

We find the following in the Washington City Daily Morning Chronicle of the 17th ult:

A meeting of those favorable to the organization of a New Mexican Emigration Club was held at the Territorial Delegates' room in the Capitol, on Tuesday evening, and Captain W. B. Brown was elected chairman, and Alexander Lynch secretary. The president on assuming the chair, stated the object of the meeting to be the organization of a New Mexican Emigration Club, and to hear the report of the committee on the constitution, appointed at a former meeting.

The secretary, in behalf of the committee, submitted their report, which, after being read, was unanimously adopted. The constitution provides that all able bodied, industrious citizens wishing to emigrate to the Territory of New Mexico are eligible to membership upon signing the constitution and paying an admission fee. It also provides for the appointment of a committee to collect funds from those interested in the future welfare of the Territory, for the purpose of defraying the expenses of those who are pecuniarily

unable to do so; also, for the election of an agent, whose duty it is to proceed at once to the Territory of New Mexico and solicit aid from the citizens of the Territory, for the purpose of furthering the project of the club, and to procure suitable employment for those who may be forwarded by the club. After the adoption of the constitution, the following named gentlemen were elected permanent officers: President, Colonel Richard Middleton; vice president, Major L. E. Cutler; secretary, George W. Lithgow; treasurer, Captain W. B. Brown; agent, Captain Alexander Lynch.

Committee: Richard Middleton, Fred. Fritz, John Middleton, C. F. W. Erb, Sydney G. L. Beresford, Directors: B. W. Ferguson, G. W. Stillinger, James T. Smith, and J. C. Baum.

General C. P. Clever, delegate from New Mexico; Governor Mitchell, of New Mexico; Dr. Melroe, Colonel Beggs, and Captain Brown were introduced and delivered addresses.

Committees were appointed to make arrangements for the immediate departure of the agent for New Mexico, to confer with influential citizens of the Territory relative to the objects of the association, and to fix the admission fees and monthly dues.

Advertisements.

Notices.

All persons indebted to the undersigned firm, are hereby notified that they must pay their accounts without delay or they will be placed in the hands of an Attorney for collection, as we are now closing up our business in this city.

STURGEON & COYD.

Santa Fe, N. M., May 1, 1868.

No 47.

RECEIVED BY THE AGENTS FOR THE UNITED STATES DEPARTMENT OF THE INTERIOR.

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Advertisements.

BAKERY.

The undersigned respectfully informs his former associates and the public generally that he has removed his Bakery at the old Stand on Main Street, and will be pleased to furnish them with anything in his line, of the very best quality.

CHARLES LEROUX.

No 41 1m

Lumber, Lumber.

A full assortment of lumber always on hand at the Mason Saw Mill, at Hinton del Terrible.

M. RUDOLPH.

No 42 1v.

For the Cimarron Mines.

The undersigned will, about the 15th of May next, remove to Hinton del Terrible, where he will carry on the manufacture of jewelry in all its branches.

His patrons in Santa Fe, can at all times have orders for any kind of work filled promptly by sending them to say at Hinton del Terrible.

For the Cimarron Mines.

Justice, Bateman & Co.

WOOL

COMMISSION MERCHANTS,

122 South Front St.

PHILADELPHIA.

New Mexican Wool is manufactured almost exclusively in Philadelphia, and we can get higher prices than any other market. Consignments solicited.

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